

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 552 of 2001 (S/S)
(Old Number 32819 of 2000)

- 1. Chandra Prakash
S/o Sri Ghanshyam Singh,
Assistant Teacher in Purva Madhyamik
Vidhyalaya Majhera, Garam Pani,
Nainital.**
- 2. Hetram Gangwar
S/o Sri Jagannath Gangwar,
Assistant Teacher in Purva Madhyamik
Vidhyalaya Siltona, Garam Pani,
Nainital.**

..... **Petitioners**

Versus

- 1. Director, Basic Shiksha Parishad,
Uttar Pradesh, Lucknow**
- 2. Sachiv, Basic Shiksha Parishad,
Uttar Pradesh, Allahabad.**
- 3. Assistant Director of Education (Basic)
Kumaun Mandal, Nainital.**
- 4. Basic Shiksha Adhikari, Nainital.**

..... **Respondents**

Mr. S.S. Yadav, learned counsel for the petitioners
Mr. N.B. Tewari, learned Chief Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

This is a petition seeking writ in the nature of mandamus commanding respondent Nos. 1 and 2 to transfer the petitioners from District Nainital to District Udham Singh Nagar.

2) Brief facts of the case are that the petitioners are Assistant Teachers in Purva Madhyamik Vidhyalaya of District Nainital. It is submitted in the writ petition that in response to the options invited by the Department they opted for their transfer to District Udham Singh Nagar, as the same was bifurcated from undivided District of Nainital. The respondents

have not filed any counter affidavit controverting the facts alleged in the writ petition.

3) I heard learned counsel for the petitioners and learned Chief Standing Counsel.

4) My attention was drawn by learned counsel for the petitioners to the order dated 23rd July, 2004 passed by another Bench of this Court (Hon'ble Justice M.M. Ghildiyal, J.) in writ petition No. 837 (S/S) of 2004, wherein on the writ petition of similarly situated petitioners a mandamus was issued directing the Joint Director of Education (Basic), Kumaun Division, Nainital or the authority / In-Charge to decide the representation moved by the petitioners within a period of four weeks from the date of certified copy of the said order was placed before him.

5) Learned counsel for the petitioners and learned Chief Standing Counsel agreed that this writ petition may also be disposed of with similar direction as the facts in both the cases are similar. In the facts and circumstances of the case, as submitted by learned counsel for the parties, it is directed that the Joint Director / Assistant Director of Education (Basic), Kumaun Division, Nainital having power to transfer the teachers of district Nainital to District Udham Singh Nagar, shall dispose of the representations made by the petitioners of this case, within a period of four weeks from the date of receipt of certified copy of this order. With this direction, the writ petition is finally disposed of.

(Prafulla C. Pant, J.)

Dt. 17.02.2005

H. Negi